

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-SEVENTH LEGISLATURE

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SEVENTY-FOURTH LEGISLATIVE DAY  
THURSDAY, MARCH 20, 2003

Senate Chamber

President Risch called the Senate to order at 10 a.m.

Roll call showed all members present except Senator Brandt, absent and formally excused by the Chair; and Senators Andreason, Marley, Sorensen, and Stennett, absent and excused.

The President announced the Oath of Office had been administered previously to Acting Senator Anna Wilson, and she was recorded present at this order of business.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Monica Pratt, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Andreason, Marley, Sorensen, and Stennett were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 19, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

March 20, 2003

The JUDICIARY AND RULES Committee reports that **S 1168**, **S 1169**, **S 1170**, **SCR 114**, and **SCR 115** have been correctly printed.

DARRINGTON, Chairman

**S 1168** was referred to the Finance Committee.

**S 1169** and **S 1170** were referred to the Education Committee.

**SCR 114** and **SCR 115** were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 19, 2003

The JUDICIARY AND RULES Committee reports that **S 1043**, **S 1060**, as amended, **S 1064**, **S 1074**, **S 1085**, **S 1096**, **S 1099**, **S 1100**, **S 1101**, **S 1140**, **S 1141**, **S 1142**, **S 1144**, **S 1145**, **S 1146**, **S 1147**, and **SCR 106** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1043**, **S 1060**, as amended, **S 1064**, **S 1074**, **S 1085**, **S 1096**, **S 1099**, **S 1100**, **S 1101**, **S 1140**, **S 1141**, **S 1142**, **S 1144**, **S 1145**, **S 1146**, **S 1147**, and **SCR 106** and ordered them transmitted to the House for the signature of the Speaker.

March 19, 2003

The JUDICIARY AND RULES Committee reports out **H 169**, as amended, with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 169**, as amended, was referred to the Fourteenth Order of Business, General Calendar.

March 19, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 140**, **H 302**, and **H 232**, as amended, with the recommendation that they do pass.

BUNDERSON, Chairman

**H 140**, **H 302**, and **H 232**, as amended, were filed for second reading.

March 19, 2003

The HEALTH AND WELFARE Committee reports out **H 15** and **HCR 13**, as amended, with the recommendation that they do pass.

COMPTON, Vice Chairman

**H 15** was filed for second reading.

**HCR 13**, as amended, was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 19, 2003

The FINANCE Committee reports out **H 347, H 348, H 349, H 350, H 351, H 352, H 353, H 354, H 355, and H 361** with the recommendation that they do pass.

CAMERON, Chairman

**H 347, H 348, H 349, H 350, H 351, H 352, H 353, H 354, H 355, and H 361** were filed for second reading.

March 17, 2003

The JUDICIARY AND RULES Committee reports out **S 1160** with the recommendation that it do pass.

DARRINGTON, Chairman

**S 1160** was filed for second reading.

March 19, 2003

The JUDICIARY AND RULES Committee reports out **H 218** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

DARRINGTON, Chairman

There being no objection, **H 218** was referred to the Fourteenth Order of Business, General Calendar.

March 20, 2003

The FINANCE Committee reports out **S 1168** with the recommendation that it do pass.

CAMERON, Chairman

**S 1168** was filed for second reading.

March 19, 2003

The STATE AFFAIRS Committee reports out **S 1167** with the recommendation that it do pass.

SORENSEN, Chairman

**S 1167** was filed for second reading.

March 20, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 321** with the recommendation that it do pass.

BUNDERSON, Chairman

**H 321** was filed for second reading.

On request by Senator Davis, granted by unanimous consent,

the Senate advanced to the Ninth Order of Business.

### Messages from the House

March 19, 2003

Mr. President:

I transmit herewith **H 366**, and I return herewith **S 1130**, as amended, **S 1120**, and **S 1016** which have passed the House.

JUKER, Chief Clerk

**H 366** was filed for first reading.

**S 1130**, as amended, **S 1120**, and **S 1016** were referred to the Judiciary and Rules Committee for enrolling.

March 19, 2003

Mr. President:

I transmit herewith Enrolled **HCR 26, H 256**, as amended, **H 257, H 261, H 143, H 134, H 133, H 66**, as amended, **H 214, H 220, H 266, H 113**, as amended in the Senate, and **H 208**, as amended in the Senate, for the signature of the President, and I return herewith Enrolled **S 1042**, which have been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **HCR 26, H 256**, as amended, **H 257, H 261, H 143, H 134, H 133, H 66**, as amended, **H 214, H 220, H 266, H 113**, as amended in the Senate, and **H 208**, as amended in the Senate, and ordered them returned to the House.

Enrolled **S 1042** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

#### S 1171

#### BY STATE AFFAIRS COMMITTEE

#### AN ACT

RELATING TO PORT DISTRICTS; AMENDING THE CHAPTER HEADING OF CHAPTER 11, TITLE 70, IDAHO CODE; AND AMENDING CHAPTER 11, TITLE 70, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 70-1114, IDAHO CODE, TO PROVIDE FOR DISINCORPORATION.

#### S 1172

#### BY STATE AFFAIRS COMMITTEE

#### AN ACT

RELATING TO LOBBYISTS; AMENDING SECTION 67-6617, IDAHO CODE, TO PROHIBIT CERTAIN CONTRIBUTIONS DURING ANY REGULAR OR SPECIAL SESSION OF THE LEGISLATURE AND TO PROVIDE PENALTIES.

**S 1171** and **S 1172** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 366**, by Education Committee, was introduced, read the first time at length, and referred to the Education Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

**H 360**, by Appropriations Committee, was read the second time at length and filed for third reading.

**H 123**, by Judiciary, Rules, and Administration Committee, was read the second time at length and filed for third reading.

**S 1164**, by State Affairs Committee, was read the second time at length and filed for third reading.

**H 305**, **H 312**, and **H 314**, by State Affairs Committee, were read the second time at length and filed for third reading.

**H 4**, by Mr. Speaker, was read the second time at length and filed for third reading.

**H 295**, by Ways and Means Committee, was read the second time at length and filed for third reading.

**H 174**, as amended, as amended in the Senate, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

**H 110**, as amended, as amended in the Senate, by State Affairs Committee, was read the second time at length and filed for third reading.

**S 1136**, as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

**S 1166** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams, Wilson (Calabretta). Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **S 1166** passed, title was approved, and the bill ordered transmitted to the House.

**H 206**, as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams, Wilson (Calabretta). Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 206**, as amended, passed, title was approved, and the bill ordered returned to the House.

**H 203** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams, Wilson (Calabretta). Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 203** passed, title was approved, and the bill ordered returned to the House.

**H 213** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams, Wilson (Calabretta). Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 213** passed, title was approved, and the bill ordered returned to the House.

**H 237** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams, Wilson (Calabretta). Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 237** passed, title was approved, and the bill ordered returned to the House.

**H 238**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kennedy arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams, Wilson (Calabretta). Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 238**, as amended, passed, title was approved, and the bill ordered returned to the

House.

**H 125**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Noh arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Burtenshaw, Keough, Marley, Noh, Pearce, Richardson, Williams. Total - 7.

NAYS--Andreason, Bailey, Bunderson, Burkett, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Little, Lodge, Malepeai, McKenzie, McWilliams, Noble, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Wilson (Calabretta). Total - 27.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared that **H 125**, as amended, had failed to pass the Senate and ordered the bill returned to the House.

**H 211**, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kennedy arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams, Wilson (Calabretta). Total - 34.

NAYS--None.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 211**, as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 10 a.m., Friday, March 21, 2003.

JAMES E. RISCH, President

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Attest: JEANNINE WOOD, Secretary